

PTO/SB/84 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

45197.2

**RECEIVED
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First named inventor: Larry Perrault

MAY 02 2006

Application No.: 09/713,897

Art Unit: 3637

Filed: 11/16/2000

Examiner: A. Phi Dieu Tran

Title:

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
 action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
 date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications
 filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of after final amendments (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the
 USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to
 complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any
 comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,
 U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED
 FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9188 and select option 2.

PAGE 2/10 * RCVD AT 5/2/2006 5:30:54 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-3/16 * DNIS:2738300 * CSID:780 421 7951 * DURATION (mm:ss):03:10

Adjustment date: 07/27/2006 CKHLOK
 05/04/2006-AWONDAF1 00000073 022057 09713296
 01 FC:2453 750.00 CR

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750.00 DA

01 FC:2453

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☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

4. **STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

05/02/2006

Date _____

John A. McIntyre

Typed or printed name

50,367

Registration Number, if applicable

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Telephone Number

Edmonton, Alberta Canada T5J 3T2

Address

Enclosures: ☒ Fee Payment

☒ **Reply**

☐ **Terminal Disclaimer Form**

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: RCE

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date _____

Signature

Typed or printed name of person signing certificate

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>07/26/06</u>		2 Serial/Patent # <u>09/713,296</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
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X	Petition 2453		05/02/06	\$ 750.00								
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	Maintenance			\$								
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	Other			\$								
			7 TOTAL AMOUNT OF REFUND		\$ 750.00							
			8 TO BE REFUNDED BY:									
			Treasury Check									
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10 REASON:												
	Overpayment											
	Duplicate Payment											
X	No Fee Due (Explanation):											
Petition dismissed as moot.												
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Douglas I. Wood</u>		TITLE: <u>Senior Petitions Attorney</u>										
SIGNATURE: <u>/douglas wood/</u>		PHONE: <u>571-272-3231</u>										
OFFICE: <u>Office of Petitions</u>												

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APPROVED: <u></u>			DATE: <u>7/27/06</u>									

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